

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL L. ROSEBAR,	:
Petitioner	:
v.	: Case No. 3:23-cv-317-SLH-KAP
MICHAEL UNDERWOOD, WARDEN,	:
F.C.I. LORETTO, <i>et al.</i> ,	:
Respondents	:

Memorandum Order

Petitioner's "Motion to be Release[d] Pursuant to 28 U.S.C. § 2254(d)(1) and (2)", ECF no. 7, is denied. Petitioner cannot file a habeas petition within a habeas petition and, since he is a federal prisoner, his implicit claim that jurisdiction exists under Section 2254 is incorrect in any case.

My recommendation that petitioner's underlying petition be dismissed as an abuse of the writ is pending. Petitioner has objections pending to that recommendation. Since this is a ruling on a nondispositive motion, the petitioner can also appeal this ruling to the court pursuant to 28 U.S.C. § 636(b)(1).



DATE: April 2, 2024

Keith A. Pesto,
United States Magistrate Judge

Notice to counsel by ECF and by U.S. Mail to:

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